

AMENDED IN SENATE APRIL 11, 2012

**SENATE BILL**

**No. 974**

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**Introduced by Senator Evans**

(Coauthors: Assembly Members *Achadjian, Alejo*, Blumenfield and,  
*Monning*, V. Manuel Pérez, and *Yamada*)

January 19, 2012

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An act to add ~~Section~~ *Sections 5080.45 and 5080.46* to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 974, as amended, Evans. State parks: proposed closures.

Existing law authorizes the Department of Parks and Recreation to enter into agreements between the department and the federal and local governments and other public agencies for the care, maintenance, administration, and control of lands under the jurisdiction of any party to this agreement for the purpose of the state park system, as prescribed.

This bill would require the department, by July 1, 2013, to conduct a review ~~to reexamine the list of park closures in the state announced by the department in May 2011~~ *of the parks that are closed on July 1, 2012, or that are proposed, as of that date, for future closure*. The bill would also require the department ~~to develop and implement a transparent park closure review process that includes~~ *required to be conducted pursuant to those provisions to include* specified elements. The bill would require the department, ~~beginning on~~ *by* July 1, 2013, and ~~annually~~ *by* July 1 of each year thereafter, to make a determination on the status of any *state* park ~~included on the May 2011 park closure list and on any other park not on that list~~ that may be scheduled for future closure, based on the above-described park closure review process. The bill would require the department, ~~by July 1, 2013, to~~

~~present to the State Parks Commission and the Legislature a revised list of park closures, based upon the park closure review process prescribed by the bill. The bill would prohibit the closure of any other units of the state park system until the requirements of the bill are fulfilled no later than July 1, 2013, with respect to any park that is closed on or after July 1, 2012, to prepare a plan for the reopening of that unit of the state park system or transfer of the unit to another public agency that has the ability to reopen and operate the park, including specified information.~~

*The bill would require the department, no later than January 1, 2014, and by January 1 of each year thereafter, to prepare and submit to the Legislature a master parks reopening plan, which sets out priority actions and determines a process for reopening any park that has been temporarily closed, to the extent that circumstances permit, as prescribed.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. It is the intent of the Legislature to enact*  
2     *legislation that will facilitate the reopening of state parks that*  
3     *have been temporarily closed as a result of California's fiscal*  
4     *crisis, at the earliest possible time.*

5     ~~SECTION 1.~~

6     *SEC. 2. Section 5080.45 is added to the Public Resources Code,*  
7     *to read:*

8     5080.45. (a) The department shall, by July 1, 2013, conduct  
9     a review ~~to reexamine the list of park closures in the state~~  
10    ~~announced by the department in May, 2011~~ *of the parks that are*  
11    *actually closed on July 1, 2012, or that are proposed as of July 1,*  
12    *2012, for future closure.*

13    (b) ~~The department shall develop and implement a transparent~~  
14    ~~review of park closure review process that includes closures~~  
15    ~~required to be conducted pursuant to subdivision (a) shall include~~  
16    all of the following elements:

17    (1) An examination of proposed park closures recommended  
18    on the basis of a decision matrix developed by the department,  
19    which includes the criteria mandated by Section 5007.

1 (2) An analysis of economic impacts on local communities  
2 resulting from a proposed park closure.

3 (3) A formal determination by the department as to whether an  
4 analysis is needed under Division 13 (commencing with Section  
5 21000). The analysis, if necessary, shall be conducted by the  
6 department.

7 (4) Consideration of the costs of park closures, including  
8 estimations of future costs for deferred maintenance, liability, and  
9 security.

10 (5) An examination by the department of acquisition agreements  
11 entered into by the department and federal government pursuant  
12 to the California Wildlife, Coastal, and Park Land Conservation  
13 Act ~~(Division 5.8 (commencing with Section 5900))~~  
14 ~~5900))~~ to ensure that those agreements are being honored and  
15 public access to the coast is being protected.

16 (6) Provisions for the conduct of at least two public hearings,  
17 during which there is an opportunity for public comment and input.  
18 One of those meetings shall be held in northern California, and  
19 one shall be held in southern California. Public input and comments  
20 from those meetings shall be considered by the department in  
21 making any future park closure decisions.

22 (7) The minutes of any meetings of the department discussing  
23 park closures shall be maintained and made available to the public,  
24 upon request.

25 (8) Consideration and documentation of any other cost savings  
26 measures that may be taken to prevent park closures and meet the  
27 department's budgetary goals.

28 (c) ~~(1)~~ By July 1, 2013, and by July 1 of each year thereafter,  
29 the department shall make a determination on the status of ~~parks~~  
30 ~~included on the May 2011 park closure list and any other state~~  
31 ~~parks~~ any state park that may be considered for future closure,  
32 based on the park closure review process set forth in subdivision  
33 (b). ~~By July 1, 2013, the department shall present to the State Parks~~  
34 ~~Commission and the Legislature a revised list of park closures,~~  
35 ~~based upon the park closure review process described in~~  
36 ~~subdivision (b), accompanied by appropriate background and~~  
37 ~~decisionmaking documents.~~

38 (d) (1) *No later than July 1, 2013, with respect to any park that*  
39 *is closed on or after July 1, 2012, the department shall prepare a*  
40 *plan for the reopening of that unit of the park system or a transfer*

1 of the unit to another public agency that has the ability to reopen  
2 and operate the park. The plan shall include, at a minimum, all of  
3 the following:

4 (A) A description of any work that needs to be completed in  
5 order to reopen the park and address safety and health issues.

6 (B) A summary of resource protection issues, expected park  
7 usage, and revenue projections.

8 (C) Recommendations for staffing, maintenance, revenue  
9 generation projects, resource restoration, and community  
10 involvement at the unit of the park system.

11 (2) The department shall annually update any plan prepared  
12 pursuant to this subdivision, and shall post a copy of the plan on  
13 its Internet Web site.

14 ~~(d)~~

15 (e) This section does not affect or interfere with any existing  
16 agreements between the department and federal or local agencies  
17 and nonprofits to operate any unit of the state park system that was  
18 identified for closure in the May 2011 state park closure list, if  
19 those contractual agreements have not expired.

20 ~~(e) On or after January 1, 2013, additional units of the state park~~  
21 ~~system shall not be closed until the requirements of this section~~  
22 ~~are fulfilled.~~

23 SEC. 3. Section 5080.46 is added to the Public Resources Code,  
24 to read:

25 5080.46. (a) No later than January 1, 2014, and by January  
26 1 annually thereafter, the department shall prepare and submit to  
27 the Legislature a master parks reopening plan, which sets out  
28 priority actions and determines a process for reopening any park  
29 that has been closed, to the extent that circumstances permit. The  
30 plan shall consider ways to facilitate the reopening of any closed  
31 park through the use of department staff and resources, or  
32 operating agreements with nonprofit organizations or public  
33 agencies. The plan prepared pursuant to this subdivision shall be  
34 posted on the department's Internet Web site.

35 (b) The plan shall consider the following criteria in prioritizing  
36 which parks shall be reopened:

37 (1) Whether a park had or may enter into operating agreements  
38 with nonprofit organizations, and had significant community  
39 support prior to closure as demonstrated through community  
40 involvement and donations. The department shall give priority to

1 *reopening parks that have a record of using operating agreements*  
2 *with nonprofit organizations for park operations, significant*  
3 *donations, and community support.*

4 *(2) The impact of a park closure, including economic impacts*  
5 *of a closure, on nearby communities.*

6 *(3) An evaluation of the potential for the reduction of*  
7 *environmental and economic costs of deteriorating facilities,*  
8 *liability, and security concerns relating to the reopening of a*  
9 *particular park.*

10 *(4) Whether the reopening of a park would result in the*  
11 *reduction of illegal activity and resource degradation.*

12 *(5) Whether there is involvement by community organizations*  
13 *and ongoing financial support by donors for the maintenance of*  
14 *park operations.*

15 *(c) Nothing in this section is intended to prevent the department*  
16 *from reopening any unit of the state park system that has been*  
17 *closed where any source of nongovernmental funding has been*  
18 *secured to maintain and operate that unit.*